

Congress of the United States
Washington, DC 20515

November 1, 2019

The Honorable William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Washington, DC 20535

Dear Attorney General Barr and Director Wray:

We write in regard to the Department of Justice's (DOJ) failure to properly enact the Child Protection Improvements Act (CPIA), which passed into law as part of the FY18 Consolidated Appropriations Act on March 23, 2018 (P.L. 115-141, Division S, Title I). As you know, CPIA establishes a national program within the DOJ to provide affordable access to FBI fingerprint background checks for organizations serving vulnerable populations – children, individuals with disabilities, and the elderly. The legislation required DOJ to establish the background check system by March 2019.

While many organizations serving vulnerable populations follow best practices for screening prospective staff and volunteers, they do not always have access to FBI checks through their existing state criminal history records systems. CPIA establishes a national program to provide organizations in these states with access to national criminal history background checks for individuals seeking to work with vulnerable populations. With improved access to FBI checks, organizations serving vulnerable populations will be better equipped to protect those in their care from physical, mental or sexual abuse; identity theft; and other harms.

In a January correspondence, DOJ informed Congress of its intent to publish a Notice of Proposed Rulemaking (NPR) in the *Federal Register* to solicit input from the public, including organizations serving vulnerable populations, on the criterion offenses that will be used by the Designated Entity or Entities making fitness determinations. However, no NPR has thus far been published. Additionally, DOJ has subsequently failed to respond to follow-up communications regarding the postponement.

We are troubled by the delay, and the fact that the Department has missed the date mandated by CPIA to begin operation of this program by an egregious eight months. It is imperative that a public comment period is held to ensure the legislation is implemented effectively and serve its purpose of protecting vulnerable populations. This is an urgent matter, and seemingly one that the Department has shown little deference to.

Accordingly, we have two requests:

- Provide an explanation as to what has prevented DOJ from implementing CPIA by the mandated March 2019 deadline, as well as DOJ's failure to properly communicate to Congress any intent to delay implementation; and
- Provide an update on the expected timeline of a public comment period to solicit input from organizations serving vulnerable populations on their background check needs and the criterion offenses that may be used in making a determination of fitness.

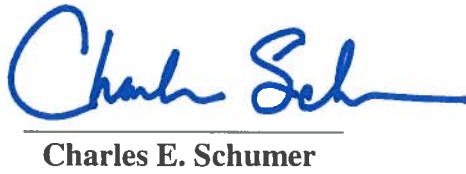
Additionally, we request a briefing for our staffs on the efforts DOJ is making to promptly implement CPIA.

Given the Department's lack of timely response with regards to this issue, we respectfully request a response by December 1, 2019. Thank you for your attention to this important matter.

Sincerely,



Adam B. Schiff
Member of Congress



Charles E. Schumer
United States Senator